

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DANTE TEMPLE, #R51724

Plaintiff,

vs.

IDOC, *et al.*,

Defendants.

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CIVIL NO. 22-126-NJR

ORDER OF DISMISSAL

ROSENSTENGEL, Chief Judge:

On February 15, 2022, Temple’s motion for leave to proceed *in form pauperis* (“IFP”) was denied (Doc. 9). Temple was ordered to pay the filing fee of \$402.00 on or before March 17, 2022, and he was warned that failure to comply would result in dismissal of the action. *Id.*

To date, Temple has failed to pay the filing fee. Therefore, this action is **DISMISSED without prejudice** for failure to comply with an Order of this Court. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). Temple’s obligation to pay the \$402.00 filing fee for this action was incurred at the time the action was filed. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). Accordingly, the agency having custody of Temple is directed to remit the \$402.00 filing fee from his prison trust fund account if such funds are available. If he does not have \$402.00 in his account, the agency must send an initial payment of 20% of the current balance or the average balance during the past six months, whichever amount is higher. Thereafter, the agency shall begin forwarding monthly payments of 20% of the preceding month’s income credited to Temple’s trust fund account (including all deposits to the inmate account from any source) until the statutory fee of \$402.00 is paid in its entirety. The agency having custody of Temple shall forward payments

from his account to the Clerk of Court each time his account exceeds \$10.00 until the \$402.00 filing fee is paid. Payments shall be mailed to: Clerk of the Court, United States District Court for the Southern District of Illinois. The Clerk is **DIRECTED** to mail a copy of this Order to the Trust Fund Officer at the Shawnee Correctional Center *upon entry of this Order*.

The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: March 24, 2022

s/ NANCY J. ROSENSTENGEL
NANCY J. ROSENSTENGEL
Chief U.S. District Judge